

**REMARKS**

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

In the present application Claims 1, 11 and 14 are amended to include language similar to that suggested by the Examiner. Support for these amendments may be found in paragraphs [0010], [0044], [0045] and [0057] of the published application (U.S. 2003/0129501), for example.

Claims 4, 5 and 15 have been amended to recite proper antecedent basis to their respective independent claims.

Claim 11 has been amended to incorporate elements from Claim 21, and Claim 21 is canceled.

Inadvertent typographical errors have been corrected in Claims 19 and 27.

New Claims 28-29 are introduced. The new claims are supported by the specification in paragraphs [0025], [0039], [0044] and [0057].

Accordingly, Claims 1-20 and 22-29 are currently pending in the application.

**I. Rejection of Claims 1-27 under 35 U.S.C. §112 first paragraph**

The Examiner has rejected Claim 1-27 under 35 U.S.C. §112, first paragraph, as being based on a disclosure which is not enabling.

In response, the Applicants have amended these claims similar to that suggested by the Examiner in his Office Action (Pages 2-3).

Accordingly, the Applicants respectfully request the Examiner to withdraw the §112 first paragraph rejections with respect to these Claims.

**II. Rejection of Claims 1-10, 14, 16, 18 and 20 under 35 U.S.C. § 102**

The Examiner has rejected Claims 1-10, 14, 16, 18 and 20 under 35 U.S.C. §102(a) as being anticipated by Turberfield, "Photonic Crystals made by Holographic Lithography," MRS Bull, pp. 632-636 (08/2001) ("Turberfield"). The Examiner further rejects these same claims under 35 U.S.C. §102(b) as being anticipated by Campbell, *et al.*, "Fabrication of Photonic Crystals for the Visible Spectrum by Holographic Lithography, Nature", Vol. 404, pp. 53-56 (03/2000). ("Campbell").

The Examiner has indicated that the inclusion of a neutralizer as a claim limitation would obviate the rejection based on Turberfield (Examiner's Office Action, Page 5, Line 11). The same statement should also apply to the rejection based on Campbell because Turberfield is a review article that cites back to Campbell (*see e.g.*, Turberfield, Page 633, Column 3).

Independent Claims 1 and 14 now recite acid neutralizer molecules.

Therefore, both Turberfield and Campbell fail to teach all of the elements recited in Claims 1 and 14 and their dependent claims.

Accordingly, the Applicants respectfully request the Examiner to withdraw these §102 rejections with respect to these Claims.

**III. Rejection of Claims 11-13 and 24-25 under 35 U.S.C. § 102**

The Examiner has also rejected Claims 11-13 and 24-25 under 35 U.S.C. §102(b) as being anticipated by each one of Kaisaki *et al.*, WO 96/13538 ("Kaisaki"); Oxman *et al.*, WO 88/62460 ("Oxman"); Neckers *et al.*, U.S. Patent 5,639,802 ("Neckers").

As Claim 11 now includes elements of former Claim 21, which the Examiner has not rejected based on these references, this claim and its dependent claims are not anticipated by Kaisaki, Oxman or Neckers. Accordingly, the Applicants respectfully request the Examiner to withdraw these §102 rejections with respect to these Claims.

#### IV. Rejection of Claims 1-27 under 35 U.S.C. § 103

The Examiner has rejected Claims 1-27 under 35 U.S.C. §103(a) as being unpatentable over either Campbell or Turberfield, in view of U.S. Patent 5,639,802 to Popovich, Neckers and Oxman. The Examiner also has rejected Claims 1-27 under 35 U.S.C. §103(a) as being unpatentable over either Campbell or Turberfield, in view of Popovich, Neckers, Oxman and further in view of U.S. Patent 4,402,571 to Cowan.

The Applicants respectfully disagree.

Claims 1, 11 and 14 recite, among other things, neutralizer molecules.

As indicated in section II above, the Examiner has indicated that Turberfield, and implicitly Campbell, does not teach neutralizers. Additionally, the Examiner has not indicated which, if any, of Popovich, Neckers, Oxman and Cowan teach or suggest neutralizer molecules as recited in Claims 1, 11 and 14. Nor has the Examiner explained why one of ordinary skill in the art would be motivated to include neutralizer molecules in the methods or compositions of Turberfield and Campbell.

Therefore these references fail to establish a *prima facie* case of obviousness of claims 1, 11 and 14 or their dependent claims. The Applicants therefore respectfully request the Examiner to withdraw these rejections.

Appl. No. 10/040,017

Reply to Examiner's Action dated 12-07-05

**IV. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a timely Notice of Allowance for Claims 1-20 and 22-29.

It is not believed that any fees are due regarding this matter, however, the Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 08-2395.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,  
Hitt Gaines, P.C.



Ron Corbett  
Registration No. 47,500

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Hitt Gaines, P.C.  
P.O. Box 832570  
Richardson, Texas 75083-2570